

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:99-cr-234-05

v.

Hon. Richard Alan Enslen

SCOTT AARON MABREY,

Defendant.

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ORDER APPROVING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by United States Magistrate Judge Ellen S. Carmody. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

Upon such review, the Court finds that the guilty pleas to violations two and three (use of alcoholic beverages and patronizing a bar) were made knowingly and with full understanding of each of the rights explained by the Magistrate Judge and were made voluntarily and free from any force, threats or promises apart from the promises explained in the Report and Recommendation. The Court also finds that Defendant understood the nature of the charges and the penalties provided by law and that the pleas had a sufficient factual basis.

Upon review of Defendant's nolo contendere plea to violation one (commission of a new offense—criminal sexual conduct in the first degree, Mich. Comp. Laws § 750.520b, involving forced non-consensual sexual penetration), the Court finds that the plea was made knowingly and with full understanding of each of the rights explained by the Magistrate Judge and was made voluntarily and free from any force, threats or promises apart from the promises explained in the Report and

Recommendation. The Court also finds that Defendant understood the nature of the charge and penalties provided by law and that the plea had a sufficient factual basis. While pleas made nolo contendere may be rejected when inconsistent with the public interest and the administration of justice, *see* Fed. R. Crim. P. 11(a)(3), the Court upon consideration of the parties' views and the surrounding circumstances, including the police report regarding the criminal sexual conduct, finds that the public interest and administration of justice favor the acceptance of this guilty plea.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed May 3, 2007, is approved and adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Court adjudicates Defendant Scott Aaron Mabrey guilty of violations one, two and three.

IT IS FURTHER ORDERED that the Court approves of the terms of sentence announced in the Report and Recommendation, which shall be entered in a separate judgment of sentence this date.

Dated in Kalamazoo, MI:
June 1, 2007

/s/Richard Alan Enslin
Richard Alan Enslin
Senior United States District Judge